

Planning and Zoning: Frequently Asked Questions



**Prepared by
The Department of Planning and Zoning**

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Frequently Asked Questions

The Department of Planning and Zoning is responsible for all current and long-range planning for development, redevelopment and community development, as well as historic preservation activities within the City. In this capacity, the Department of Planning and Zoning:

- Prepares necessary plans, studies, and programs to implement the City's Comprehensive Plan;
- Administers and enforces the City's zoning ordinance and subdivision regulations;
- Plans and administers the City's Community Development Block Grant program; and
- Engages in special studies and projects that impact future growth, development, and quality of life.

What is zoning?

Zoning is the public regulation of land use. It involves the adoption of ordinances that divide the City into various districts or zones. Each district allows certain uses of land within that zone, such as residential, commercial, or industrial. Zoning regulations address such features as building height, bulk, lot area, setbacks, parking, signage, density as well as many other land use issues.

How do I obtain information about my property's zoning?

The official zoning maps are located in the Planning and Zoning office but the zoning maps are also posted on the City's website

(http://www.annapolis.gov/docs/default-source/planning-and-zoning-documents/zon_map.pdf?sfvrsn=2). Once

you have determined the parcel's zoning classification, you can look up the regulations in the City Code, which can be found online

(https://www.municode.com/library/md/annapolis/codes/code_of_ordinances). In addition, there are planners in the Department of Planning and Zoning who are available to answer your questions about your property and site-specific regulations.

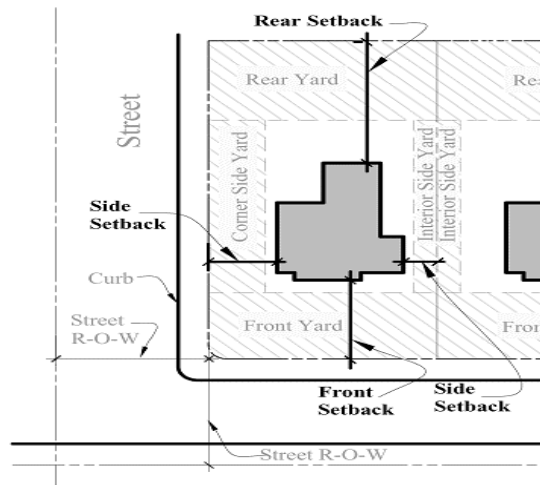
What is the difference between a residential zone and a commercial zone?

Residential zones are dominated by residences and their accessory structures as well as religious, cultural, and educational institutions. Commercial zones are dominated by a variety of retail, office, food, and beverage establishments and service facilities. In both zoning types there are many uses which are subject to standards. A full listing of uses in each zone can be found in Section 21.48 of the City Code which is also online at:

https://www.municode.com/library/md/annapolis/codes/code_of_ordinances

What is a setback?

“Setback” means the minimum horizontal distance between a lot line or public street right-of-way and the nearest point of a structure or projection of that structure. See example below:



What are setback requirements for dwellings and storage sheds?

Setbacks for dwellings depend on the zoning district for side and rear setbacks. Generally, the front setback and the waterway yard (if the house is waterfront) are based on averages of neighboring properties. Setbacks for storage sheds and other accessory structures are based on a minimum setback, plus additional distance depending on the height of the structure. Contact a current planner for more information about a specific property.

What is an administrative adjustment?

An administrative adjustment is the determination by the Department of Planning and Zoning to vary the regulations of the Zoning Code upon finding that the specific standards it

outlines concerning “practical difficulties” and “unique conditions” are met. Permitted administrative adjustments include reduced setbacks; increased parking distanced and increased lot coverage. An administrative adjustment can be granted for not more than 20% of specific requirements by the Department of Planning and Zoning.

What is a variance?

A variance is a process through which setbacks and other zoning requirements can be reduced by more than 20%. Variances are acted upon by the Zoning Board of Appeals after the Board holds a public hearing. Variances cannot be granted to allow land uses not permitted in a zoning district.

What is a Use and Occupancy (U&O) Permit?

If you want to use or occupy vacant land, to change the use of an existing building, change the owner or tenant information, or to enlarge a use that affects its parking requirements, you will need to obtain a use and occupancy permit. An inspection will be scheduled to determine if the building meets current Code as well as to determine if the proposed land use is in accordance with the constraints of its zoning. Once the use has been approved and the Code has been met, you may then occupy the location. This applies to residential as well as commercial buildings. Call the Department of Neighborhood and Environmental Programs to schedule a U&O inspection (410-263-7946).

I am purchasing an existing business in a building which seems state-of-the-art. Why should I obtain a Use and Occupancy Permit?

Applying for a use and occupancy permit helps bring your building up to Code, protects your investment, and reduces your liability. For example, if you purchase a business without a use and occupancy permit, and later discover it needs significant work to bring it up to Code, you will be fully responsible. If you obtain a use and occupancy permit you will be aware of the Code requirements before you occupy the building. Also, the City tracks new businesses through reports generated from U&Os.

What does “Critical Areas” under zoning mean?

All property within 1,000 feet of a shoreline of the Chesapeake Bay and its tributaries lies within the “critical area.” These areas have been identified by State law and under Annapolis zoning. They are classified as restricted for development, mainly in terms of the maximum amount of “lot coverage” per zoning lot, though there are other environmental restrictions that must be met. These regulations are in the form of an overlay zone which applies to a property in addition to those regulations of its underlying zoning classification. Contact a current planner to discuss specifics on lot coverage and other critical area regulations.

What zoning approval is needed to operate a business in Annapolis?

The Zoning Code requires that a use and occupancy permit shall be approved and issued authorizing the use of any building or land in accordance with the constraints of its zoning. A use and occupancy permit, along with any relevant building permits, must be filed with the Department of Neighborhood and Environmental Programs. The premise is then inspected by various City agencies before a permit can be issued. In some cases permits to allow certain businesses, depending on the zoning district, may be subject to a public hearing and/or site design approval process.

What is the first step if I want to open a business in the Historic District?

Contact the Department of Planning and Zoning to discuss whether the specific use is permitted, and any related zoning issues. If the building is in the Historic District then it may require Historic Preservation Commission review as well. After discussion with Planning and Zoning, you should make arrangements with Department of Neighborhood and Environmental Programs to schedule a pre-application meeting to discuss additional building code and fire code requirements.

Can I operate a business from my house?

A home occupation is permitted by the Code under very specific guidelines. The principal intent of the regulation is to ensure that the main use of a property is for dwelling

purposes and does not impact the surrounding neighborhood, or daily life. The business use must be clearly subordinate to the residential use. Any proposed home occupation use must receive prior approval from the Department of Neighborhood and Environmental Programs.

Are temporary signs or banner signs permitted in the City?

Signage is controlled by the specific district of a site and requires approval and issuance of a sign permit before installation. Portable signs are not permitted. In some cases temporary banner signs can be used as long as they meet all required standards. Temporary banners or signs for businesses require written approval from the Director of Planning and Zoning.

Are off-site signs permitted?

No. The Zoning Code permits advertising, identification and/or directional signs only on the site proper of a business or land use in accordance with that zoning district's specific signage regulation.

Is there a guidebook to the development review process?

Yes. "Sailing through Annapolis Development Review" is a step-by-step outline of all major development processes, from building permits to annexations to re-zoning. The guidebook is available in the Planning and Zoning office as well as on the City's website (<http://www.annapolis.gov/government/city-departments/planning-and-zoning>).

What is a Planned Development?

A Planned Development allows greater flexibility than is generally possible under conventional zoning district regulations. This is done in order to encourage more creative design, to protect significant natural resources, and to promote development that is compatible with the goals of the Comprehensive Plan. There are three types of planned developments: residential planned developments, business planned developments, and special mixed planned developments. See City Code Chapter 21.24 for more information.

What is a Moderately Priced Dwelling Unit (MPDU)?

A MPDU is a housing unit that has a sales price affordable to households with moderate incomes. The City of Annapolis wants to ensure that housing options continue to be available to its low and moderate income residents and employees.

To achieve this goal, the Annapolis City Council passed the Moderately Priced Dwelling Unit Law in 2004.

The law requires that 12% of the houses for sale in new subdivisions of ten or more units or 6% of new rental units must be moderately priced dwelling units (MPDUs), i.e., affordable to moderate income households.

I am a developer who wants to build a subdivision greater than ten units. What are the requirements?

There are two main agreements the Developer (Applicant) must execute with the Department of Planning and Zoning relating to MPDUs. The first

is the Agreement to Build Moderately Priced Dwelling Units (20.30.040 Application and inclusionary housing plan) which is required before building permits may be obtained. The second is an Offering Agreement, 20.30.050 Compliance, which is submitted to Planning and Zoning once the Applicant is ready to make the MPDUs available for sale or rent to eligible MPDU certificate holders.

I am a developer who wants to build a subdivision greater than ten units. Are there any incentives to build them?

If your development meets all the requirements in the City Code then you shall be entitled to a density bonus of 15% for-sale housing and 10% for rental housing above the maximum amount permitted in a zone. The Director of Planning and Zoning shall allow a tolerance of up to 20% of the requirements in Title 21 that are applicable to a development. These requirements may include, but are not limited to, lot size, yards, height, and building bulk, parking, and loading.

I am a developer and my first MPDUs are nearing completion. I want to start making them available to MPDU clients. What should I do?

No later than ninety (90) days before you expect the first MPDUs to be available, you should negotiate and submit an "MPDU Offering Agreement" to the Department of Planning and Zoning. As part of the negotiations, the MPDU staff will work with you to set the allowable sales price for the MPDUs.

How do I make the units available to MPDU buyers?

The MPDU staff will schedule a lottery for eligible MPDU certificate holders. This will usually occur three weeks after your offering agreement has been approved. This lottery will produce a list of names of certificate holders who you must contact to offer the MPDUs for sale.

I am interested in buying or renting a unit under the MPDU program where do I get an application?

Applications can be downloaded from the MPDU webpage at <http://www.annapolis.gov/government/city-departments/planning-and-zoning/community-development/mpdu---moderately-priced-dwelling-units>. Please contact Arundel Community Development Services, Inc. at 410-222-7600 for additional information.

I would like to do some renovations to my house. Are there any programs that can assist me?

Yes. The Community Development Division administers a Single-Family Rehabilitation Loan Program. Various loans are budgeted by the Department of Housing and Urban Development (HUD) and are available to eligible homeowners. The program addresses major systems deficiencies and corrects those conditions which are hazardous or may endanger the health and welfare of the occupants.

Please contact Arundel Community Development Services, Inc. (410-222-7600) to see if you are eligible for the program.

What does APFO mean?

APFO is an acronym for Adequate Public Facilities Ordinance. All building permits, site design plans, and future development plans must be reviewed in accordance with the City's APFO. Specific requirements must be met before plans are approved.

What is the Historic Preservation Commission?

The Commission is a seven-member volunteer board appointed by the Mayor and City Council that is responsible for reviewing proposed exterior changes in the Historic District. Its jurisdiction does not include land use or interior renovations. It is a public agency whose authority is derived from Maryland statute. It is not a historical society, nor is it a part of the Historic Annapolis Foundation.

Someone wants to buy a house on Prince George Street and they want to add a sunroom. Will they have to go before the Historic Preservation Commission?

Yes. All exterior alterations or additions must be reviewed and approved by the HPC. If any part of the property is visible from a public way, the property owner will have to appear before the HPC for a Certificate of Approval prior to obtaining a building permit.

What are the boundaries of the Historic District?

Generally, the historic district is in the downtown area and includes the residential areas along the waterfront, to the Naval Academy, and part of Murray Hill. The

westernmost section is at Calvert and West Streets. The Planning and Zoning Department will be happy to supply you with a small map. See the City website

(<http://www.annapolis.gov/government/city-departments/planning-and-zoning/historic-preservation-division>) for more details.

What is the National Register of Historic Places and how can I get my property listed on it?

The National Register of Historic Places is a list of buildings, structures, districts, sites and objects that have been determined to have national historic significance. The National Register is maintained by the National Park Service, but administered on the state level by the State Historic Preservation Office (SHPO) in each state. National Register listing offers limited protection from state and federally funded projects. In addition, listing on the National Register does not limit a property owner's rights, and may provide some tax and funding incentives for historic preservation. Before a property is deemed National Register eligible, the nomination must be evaluated at the state level. For more information, contact your SHPO.

What is a Certificate of Approval?

This certifies that the property owner's plans for the change have been reviewed and approved in a public hearing by the Historic Preservation Commission or administratively by the Chief of Historic Preservation. It is required prior to the issuance of a building permit.

Is there an administrative approval process that does not require a public hearing?

Yes. An administrative approval application is filled out when exterior replacement-in-kind occurs within the Historic District. The Certificate of Approval is granted by the Chief of Historic Preservation and does not require a public hearing before the HPC. However, any part of the property that is visible from the public way, which is not replacement-in-kind, requires a public hearing in front of the HPC. In both cases a building permit will still need to be obtained in order to perform the work.

I want to lease a property on Main Street. The only change I will be making is repainting the wood trim and installing a new sign. Does this require HPC review?

Although the HPC does not review paint colors, the City Code does require the HPC to review all signs in the district.

What does NOT require HPC approval?

Normal maintenance and repair and in-kind replacement of materials are not subject to public hearing by HPC, but are still reviewed by the Chief of Historic Preservation. The HPC has delegated certain items to staff for administrative approval.

What about interior alterations?

The HPC does not review interior work.

What are the parking requirements in the Historic District.?

The parking requirements within the Historic District are determined by their underlying zoning. There are no parking requirements within the Conservation Zones that are the predominant zoning within the Historic District. Check the zoning classification of your building and contact the Department of Planning and Zoning for further questions.

What is “replacement-in-kind”?

Consult Planning and Zoning for specific guidelines as they are related to your proposed project.

Where can I find the design guidelines for the Historic District?

The HPC design guidelines can be obtained from Historic Preservation staff in the Department of Planning and Zoning or online at <http://www.annapolis.gov/government/city-departments/planning-and-zoning/historic-preservation-division>.

Can a property owner in the Historic District replace wood frame windows and doors with vinyl clad ones?

No. Vinyl windows, doors and siding are not permitted in the Historic District.

Are buildings in the historic district exempt from the requirements of the Americans with Disability Act?

Generally, no. But each building will be reviewed on a case-by-case basis by the Department of Neighborhood and Environmental Programs.

Can a property owner add skylights to the roof in the Historic District?

Skylights are permitted, but only on rear elevations, except on waterfronts. The HPC may also take into consideration the age of the building and the effect on historic framing materials.

I want to do renovations to my property located within the Historic District. Are there any programs that can assist me?

There are Federal, State, and City programs which aid in the preservation and restoration of Historic properties. Some of these programs are listed below:

Local:

There is a tax credit on City real property taxes based upon the amount expended by a property owner for preservation, restoration, and rehabilitation of any structure having historic or architectural value which is designated a City of Annapolis Landmark by resolution of the City Council based upon designation by the Annapolis Historic Preservation Commission.

State:

The Heritage Rehabilitation Tax Credit Program, administered by the Maryland Historical Trust, provides Maryland income tax credits equal to 20% of the qualified capital costs expended in the rehabilitation of a "certified heritage structure."

Federal:

Federal historic preservation tax incentives are available for any qualified project that the Secretary of the Interior designates a certified rehabilitation of a certified historic structure. However, to qualify for the

federal tax credit, the property must be income producing, or commercial in nature.

<http://www.nps.gov/tps/tax-incentives/application-process.htm>

Other programs:

<http://mht.maryland.gov/taxCredits.shtml>

Note: Although every attempt was made to make this guidebook complete and thorough, accuracy and comprehensiveness cannot be guaranteed. Applicants should always refer to the authority under which the review or permitting process was established. In all cases, where requirements differ, the more stringent policy applies.